

The legal basis for this proposal

Article 206(3) of the UK Air Navigation Order 2016 empowers the CAA to “*direct the person in charge of air traffic service equipment to provide recording apparatus...capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit*”.

Air traffic service equipment is defined as ground-based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground.

The aeronautical radio station established at an FIS unit will be used to exercise control over aircraft while they are on the airfield surface, to provide meteorological data to those aircraft and determine the potential movements or location of other aircraft in the immediate vicinity of that airfield.

Information exchanged with the FIS unit is also likely to include communication with adjacent airfields, and in circumstances when an aircraft is overdue, or following an aircraft accident, communication with fire and rescue services.

In these circumstances, such communication is likely to be achieved via line-line telephone services and in those cases, the recording and subsequent retention of those telephone calls is both desirable and highly recommended, since the replay of this data will assist with any subsequent investigation.

Additionally the CAA is also aware of the following text proposed by EASA and to be incorporated in Part ATS of the ATM Implementing Regulation:

ATS.OR.400 Aeronautical mobile service (air-ground communications) – General (from Annex 11 Chapter 6.1.1.1, 6.1.1.3, 8.3.1)

- (A) The ATS provider shall use voice and/or data link in air-ground communications for ATS purposes.*
- (B) When providing ATS surveillance service, the ATS provider shall ensure that the level of reliability and availability of communication systems are such that the possibility of system failures or significant degradations is very remote, and that adequate back-up facilities are provided.*
- (C) When direct pilot–controller two-way voice or data link communications are used for the provision of ATC service, recording facilities shall be provided on all such air–ground communication channels.*
- (D) When direct air–ground two-way voice or data link communications are used for the provision of FIS and AFIS, recording facilities on all such air–ground communication channels shall be provided by the ATS provider, when so prescribed by the competent authority.*

This text is published within the Part ATS Notice of Proposed Amendments.